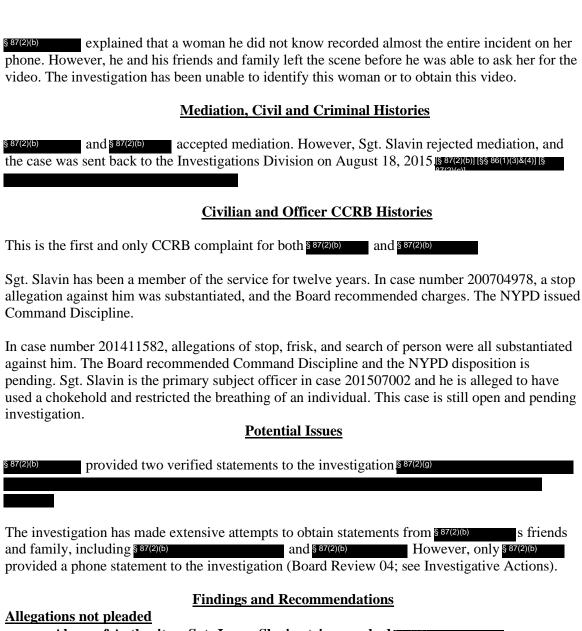
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	U.S.
Jaimie Vernon		Squad #4	201504831	V	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Sunday, 06/14/2015 4:05 PM		West 53rd Street and 5th Avenue			18	12	/14/2016	12/14/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:	CV Reported: Date/Time Received		eived at CCF	₹B	
Mon, 06/15/2015 8:32 AM		CCRB Phone Mon, 06/15/2015 8		5 8:32 AM	L			
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. SGT James Slavin	2133	933362	017 PCT					
Witness Officer(s)	Shield N	Tax No	Cmd Name					
1. POM Russell Kastin	31821	927018	017 PCT					
Officer(s)	Allegati	on			Inve	stiga	tor Recon	nmendation
A.SGT James Slavin	Abuse: S	gt. James Slavin stopped	d § 87(2)(b)					
B.SGT James Slavin	Abuse: S	gt. James Slavin frisked	§ 87(2)(b)					
C.SGT James Slavin	Abuse: S	gt. James Slavin searche	ed § 87(2)(b)					
D.SGT James Slavin	Abuse: S	gt. James Slavin threate	ned to arrest § 87(2)(b)					
§ 87(4-b) § 87(2)(g)								

Case Summary

On June 15, 2015, the CCRB received the complaint of \$87(2)(b) made via the Intake line. \$87(2)(b) is a non-witnessing complainant who made this complaint on behalf of her syear-old son, \$87(2)(b) also filed a complaint online about this incident on June 19, 2015. On June 29, 2015, \$87(2)(b) provided a phone statement, after which this case was sent to Mediation (Board Review 01). When it was returned on August 18, 2015, \$87(2)(b) was asked to provide an in-person statement, which he did on September 29, 2015 (Board Review 02). \$87(2)(g)
On June 14, 2015, during the last Puerto Rican Day Parade, \$87(2)(b) attended the parade with several family and friends: \$87(2)(b) (last name unknown), \$187(2)(b) (last name unknown), his aunt, \$187(2)(b) his uncle, \$187(2)(b) and \$187(2)(b) parents. The party remained at the intersection of West 53rd Street and Fifth Avenue.
Around 5:00PM, \$87(2)(b) noticed Sgt. James Slavin of the 18 th Precinct staring straight at him from a few feet in front of him. When \$87(2)(b) who had become anxious, tried to leave the sergeant's sight, PO Russell Kastin on the 18 th Precinct approached \$87(2)(b) and told him his sergeant would like to speak with him.
obeyed and walked toward Sgt. Slavin. As he did so, Sgt. Slavin moved toward him, lifted him up by his shirt, and placed him against a wall (Allegation A). Sgt. Slavin then frisked street sentire body (Allegation B). He then slipped a hand inside street swaistband (Allegation C).
After finding nothing on \$87(2)(b) Sgt. Slavin asked him for his ID. \$87(2)(b) took out his wallet and provided Sgt. Slavin with his identification. \$87(2)(b) asked Sgt. Slavin what he had done, to which the sergeant responded by pointing to his uniform, which read "Counter-Terrorism". He accused \$87(2)(b) of "performing terrorist acts" and told him, "I arrested a lot of people today; don't be one of them" (Allegation D). After recording \$87(2)(b) s pedigree information, Sgt. Slavin released \$87(2)(b) at the scene. \$87(2)(b) was not arrested or summonsed during this incident.
<u>Video Footage</u>
took a partial cell phone video of this incident (Board Review 03):
2015-11-13_18-32-30.mp4

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Abuse of Authority – Sgt. James Slavin strip-searched

[8 87(2)(b)]

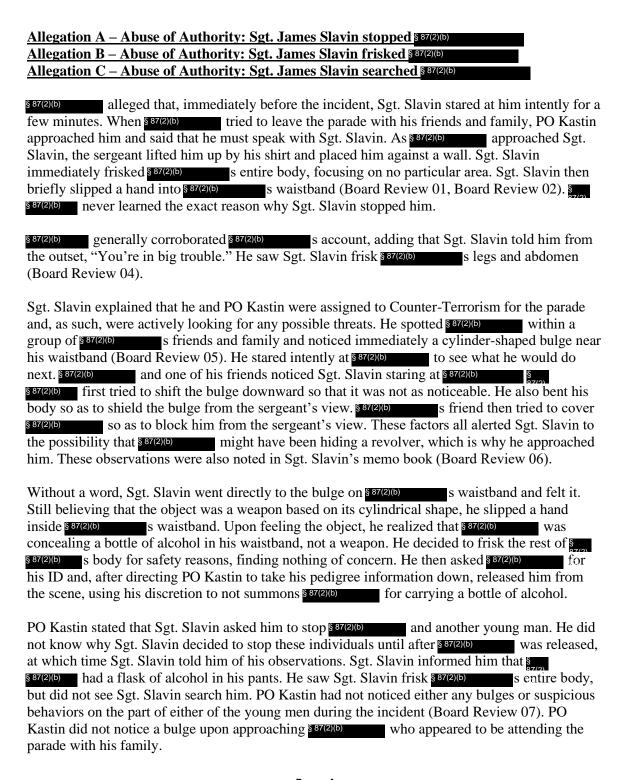
In his original phone statement, [8 87(2)(b)]

placed a hand inside [8 87(2)(b)]

s pants and made brief contact with his genitals. In his in-person statement, [8 87(2)(b)]

clarified that this allegation did not take place. [8 87(2)(g)]

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§ 87(2)(b)	did not state that he carried a bottle of alcohol with him during the incident, and did
not admit to	o having a bulge in his waistband area. §87(2)(b) also did not state that §87(2)(b)
	ottle of alcohol on him and did not notice any bulges on \$87(2)(b) s clothing.
	as called to clarify this matter, but he has not yet returned the call as of the writing of
this report.	
§ 87(2)(b)	s video does not capture the initial stop, frisk, or Sgt. Slavin's search of
§ 87(2)(b) S	waistband, but it does capture the subsequent frisk of \$87(2)(b) s body. In the
	faces away from the camera for the majority of the time. Sgt. Slavin can be
	s lower right side pants pocket, which holds his wallet. He
	fts different areas of \$87(2)(b) s pants, opening his pockets to peek inside but not
_	em. He then indicates that he would like \$87(2)(b) to provide his ID. \$87(2)(b)
	is wallet and hands it to Sgt. Slavin. At the very end, \$87(2)(b) briefly turns his left
side toward	I the camera, and no bulge is visible in his waistband.
2015-11-1	13_18-32-30.mp4

In *People v. Debour* (1976; 40 N.Y.2d 210; 352 N.E.2d 562; 386 N.Y.S.2d 375), the New York State Court of Appeals ruled that an officer must have an individualized reasonable suspicion that a suspect is engaging, has engaged in, or is about to engage in criminal activity before the suspect can be detained. Furthermore, the officer must have a reasonable belief that the suspect is armed and dangerous in order to frisk the suspect for weapons (Board Review 08).

In *People v. Williams* (1995, 217 A.D.2d 1007; 629 N.Y.S.2d 607), the New York State Supreme Court ruled that if an officer frisked a suspect and felt an object hidden in the suspect's clothing, the officer must plausibly suspect that the object is a weapon before proceeding to search the suspect's clothing (Board Review 09).

§ 87(2)(g)	
§ 87(2)(g)	
§ 87(2)(g)	

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§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
Allegation D – Abuse of Authority: Sgt. James Slavin threatened to arrest 887(2)(6)
stated that after Sgt. Slavin took his ID and requested his pedigree information, he asked Sgt. Slavin what he had done wrong. Sgt. Slavin pointed to the right side of his uniform, which read "Counter-Terrorism". He accused [887(2)(6)] of "performing terrorist acts" and added, "I arrested a lot of people today; don't be one of them" (Board Review 01 and Board Review 02).
Both Sgt. Slavin and PO Kastin denied that Sgt. Slavin made that remark or any threat of arrest to (Board Review 05 and Board Review 07).
stated that Sgt. Slavin told \$87(2)(b) that he was "doing acts like a terrorist", but did not hear Sgt. Slavin threaten to arrest \$87(2)(b) (Board Review 04).
In the video taken by \$87(2)(b) the conversation between \$87(2)(b) and Sgt. Slavin is inaudible.
§ 87(2)(g)
§ 87(4-b) § 87(2)(g)

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§ 87(4-b), § 87(2)(g)	<u></u>		
		_	
			_
Canad.			
Squad:			
Investigator:			
Signature	Print	Date	
Supervisor:			
Title/Signature	Print	Date	_
=		_ ****	
Attorney:			_
Title/Signature	Print	Date	

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